

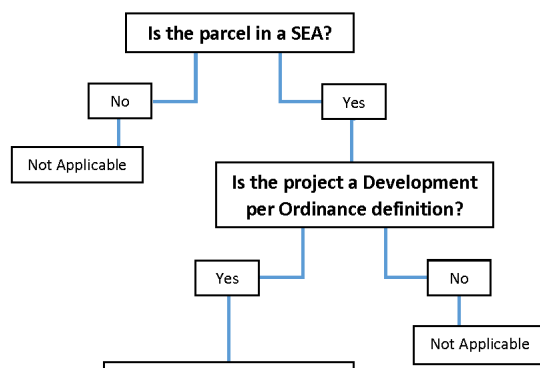
CHAPTER 5. PERMIT ANALYSIS

Chapter 2 of this Implementation Guide provided an overview of the SEA assessment process. Chapter 5 will discuss the requirements of each step of the SEA assessment process and provide guidance to Case Planners on how to analyze projects that require a Ministerial SEA Review or SEA CUP. It is recommended that the applicant find out whether the SEA regulations apply to their project as early as possible in the project design process, as a project may require revisions during the review process.

SEA ORDINANCE APPLICABILITY

Project applications submitted after the effective date of the SEA Ordinance will be subject to this Ordinance. Pending projects with a complete application prior to the adoption of the SEA Ordinance can choose to be subject to the previous SEA Ordinance or to this Ordinance.

All areas designated in the General Plan as SEA within unincorporated LA County are subject to this Ordinance. This information can be found on DRP's online GIS application (Layer: SEA) and the Significant Ecological Areas and Coastal Resources Areas Map (Figure 9.3 of the General Plan).

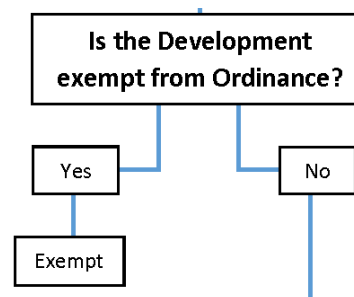


Exceptions to this applicability include the Santa Monica Mountains (SMM) and Santa Catalina Island SEAs. The SMM North Area (SMMNA) Community Standards District (CSD) boundaries encompass the majority of the Santa Monica Mountains SEA. Since these areas so closely overlap, and since the SMMNA Plan was being updated concurrently with the SEA Ordinance and would incorporate similar measures for protecting SEA Resources, it was determined that development within areas of the SMM SEA that are also within the boundaries of the SMMNA Plan should continue to be regulated by the previous version of the SEA Ordinance, until such time that the SMMNA Plan becomes effective. Once the SMMNA Plan becomes effective, development within its SEAs will be regulated by the SMMNA Plan and CSD alone. Projects in the Santa Monica Mountains Coastal Zone, which is a CRA, are not subject to this Ordinance or the SMMNA Plan, but rather are governed by the SMM Local Coastal Program, which provides more specific and protective regulations of SEA Resources in the Santa Monica Mountains Coastal Zone. For Santa Catalina Island SEA, the SEA boundaries will remain as mapped in the Santa Catalina Island Local Coastal Program, and development in those areas will continue to be regulated through the version of the SEA Ordinance that was in effect at the time of certification of that LCP. The Santa Catalina Islands LCP will have to be amended and certified by the California Coastal Commission for this Ordinance to apply.

Another potential exception to the applicability of this ordinance could occur where there are provisions for a zone, supplemental district (e.g. Community Standards Districts, etc.), or elsewhere in Title 22 that also regulates development within the SEA. In such instances, the Case Planner shall apply the regulations that are more protective of the biological resources.

EXEMPTIONS

Following is a list of exemptions to the SEA Ordinance, as per Section 22.102.040 of the Zoning Code. Where exemptions apply, developers are nevertheless strongly encouraged to follow Development Standards and to consult with a biologist prior to disturbing natural habitat. Further, developers are required to abide by all state and federal regulations protecting biological resources, including protections for listed species (Fish and Game Code § 2050 et seq.), nesting birds (Fish and Game Code § 3500 et seq.), and alterations conducted within waters of the state (Fish and Game Code § 1600 et seq.), and obtain proper permits from the appropriate governing agencies, regardless of SEA Ordinance exemption status provided by the County.



A. WITHIN THE BOUNDARIES OF THE ANTELOPE VALLEY (“AV”) AREA PLAN:

1. Construction of a new single-family residence (“SFR”), regardless of size, and
2. Improvements that are accessory to a SFR, regardless of size, including:
 - a. additions to an existing SFR;
 - b. landscaping,
 - c. new accessory structures,
 - d. additions to existing accessory structures, and
 - e. new or expanded animal keeping areas and facilities.

All such improvements must be associated with a single family residence and intended for personal use to be exempt from the SEA Ordinance. The boundaries of the AV Area Plan can be found using DRP’s online GIS application.

3. Agricultural uses occurring on previously disturbed farmland. Previously disturbed farmland is defined by the Ordinance as non-grazing farmland mapped in the State of California Farmland Mapping and Monitoring Program (FMMP)¹⁷, or proved to have been used for agricultural production at some time during the previous four years and is located within the boundaries of the AV Area Plan. Information on the FMMP can be found on the State of California Department of Conservation, Division of Land Resource Protection website.¹⁸ While the FMMP is able to capture large farms with 10 acres or more, smaller farms may provide proof of agricultural production through permits or accreditations issued by County Department of Agricultural Commissioner.

These AV exemptions for development within the boundaries of the Antelope Valley Area Plan were expressly required per a Board of Supervisors motion from November 12, 2014.

¹⁷ In order to be included in the FMMP, land must have been used for agricultural production at some time during the four years prior to the mapping date. FMMP maps are updated every two years, with 2016 data being the most recent year published at the time of this Ordinance’s effective date.

¹⁸ Information about the FMMP can be found at www.conservation.ca.gov/dlrp/fmmp/.

B. ALL AREAS OUTSIDE OF THE BOUNDARIES OF THE AV AREA PLAN:

1. Additions or modifications to existing SFRs, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or encroach into more than 10 percent of the dripline for up to four SEA Protected Trees¹⁹.
2. A maximum of one accessory animal keeping structure not exceeding 120 square feet in size, provided it is located within 100 feet of the primary use. If proposing more than one animal keeping structure or any additional development, if the animal keeping structure is larger than 120 square feet, or if any part of the proposed animal keeping structure is more than 100 feet away from the primary use, it is subject to this Ordinance.

IN ALL SEAS

C. SEA CUPs and other valid use permits that require a Revised Exhibit "A" for maintenance, minor additions, or changes (not to exceed 10% of the approved project) may be exempt from this Ordinance if:

1. additions or changes do not expand the previously approved development footprint, or
2. maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.

D. Renewal of land use entitlements for discretionary permits (e.g., CUPs) may be exempt from this Ordinance if: 1) the proposed project scope does not expand the previously approved development footprint, and 2) impacts to biological resources were reviewed under the prior permit(s). If applying for renewal of an expired SEA CUP the project will be exempt as long as it is not proposing extensive improvements or modifications.

E. The General Plan 2035 expanded the SEA boundaries in 2015. As such, some existing developments that are within SEAs today were located outside of the SEA boundaries at the time of approval, and therefore were not subject to the previous SEA Ordinance. When renewal of these discretionary permits becomes necessary, they may be exempt from the current SEA Ordinance as long as the following two conditions apply:

1. the proposed project does not expand the previously approved development footprint; and
2. impacts to SEA Resources (e.g. biological resources, water resources, etc.) were reviewed under the prior permit(s). An example of adequate review of impacts to SEA Resources would be the completion of a Mitigated Negative Declaration (MND) meeting CEQA requirements, reviewed by the County Biologist, and having a mitigation monitoring and reporting program that was properly carried out.

F. Development that is under an adopted Specific Plan may be exempt from this Ordinance as long as it can be demonstrated that the development received adequate review of the impacts to SEA Resources under the Specific Plan. Some Specific Plans incorporate a comprehensive analysis of the SEA Resources within the plan area. Developments that are regulated by these Specific Plans may be able to prove that impacts to SEA Resources were adequately analyzed and mitigated through the Specific

¹⁹ Although encroachment into the driplines of up to four SEA Protect Trees is allowed per this exemption, if any of the trees are also protected under the County Oak Tree Ordinance, which protects all oak trees over 8-inches DBH, the development will likely need to obtain an Oak Tree Permit for encroachment.

Plan, and therefore would be exempt from this Ordinance. However, not all Specific Plans include a detailed analysis of SEA Resources and may instead defer to the SEA Ordinance. Additionally, some Specific Plans remain unbuilt after several decades, which can result in biological analyses becoming outdated and not reflecting contemporary conservation regulations or resource needs. In such instances, a new development within an adopted Specific Plan may not be able to rely on previous biological analysis conducted for the Specific Plan. In all cases, the County Senior Biologist should be consulted when determining whether an adequate level of analysis of biological impacts was conducted through the Specific Plan.

- G. Rebuilding and replacement of damaged legally built structures that will not increase the previously existing development footprint are exempt from the SEA Ordinance. Check historical case files to determine that the structures were legally established. Note that the exemption prohibits the expansion of the development footprint, rather than the Building Site Area. This allows for necessary minor modifications to the Building Site Area needed to meet current building code requirements, as long as the development footprint will not be expanded by such changes. For example, structural changes that require expanded fuel modification or brush clearance would constitute expansion of the development footprint.
- H. Land divisions for the purposes of the Land Conservation Act/Williamson Act are exempt from the SEA Ordinance. Under the Land Conservation Act, also known as the Williamson Act, local governments can enter into voluntary contracts with private landowners for the purpose of restricting specified lands to agricultural or open space uses for defined periods of time. With the new land use designation under the Land Conservation Act, the property tax is assessed at a lower rate since the use of the land is now farming and open space as opposed to the full market value of the previous use.
- I. Fire protection through fuel modification and brush clearance (to provide defensible space) for existing structures is exempt from the SEA Ordinance. The applicant will need to submit a fuel modification plan approved by the Fire Department. Practices which disturb the soil, such as tilling and disking, are not allowed for fuel modification or brush clearance in SEAs.
- J. Periodic reviews established in Section 22.190.080 (Reclamation Plan) for previously approved surface mining permits and reclamation plans authorized to operate under Chapter 22.190 (Surface Mining Permits) are exempt from the SEA Ordinance, provided that such periodic review:
 1. is conducted during the life of that grant (e.g. the grant term of the permit is still valid);
 2. does not include proposed changes that would result in expanded development; and
 3. is consistent with valid permits.
- K. Repair or Maintenance of existing legally established driveways, streets, and highways that do not extend beyond the previously disturbed footprint and occur exclusively within the established right of way is exempt from this Ordinance. Maintenance encompasses activities ~~that do not extend beyond the previously disturbed footprint and occur exclusively within the established right of way~~, such as, filling potholes, crack sealing, chip sealing, slurry seal, patching, and resurfacing. Repairs include replacing washed out roads that do not impact drainages or streams and are within the existing approved footprint. ~~Repair or maintenance~~ does not include such ~~things~~ activities as road-widening, rerouting, or replacing washed out culverts or bridges.
- L. Certain sections of the County Code, including Titles 21 (Subdivisions) and 22 (Zoning), Title 12 (Low Impact Development), and Title 31 (Green Building), have regulations specifically related to tree planting for various types of projects. If the only impact from a proposed development is related to trees

planted to meet these code requirements, the development is exempt from this Ordinance. Such trees are typically planted within very close proximity to development, such as within parking lots and close to buildings, and encroachment into their driplines for regular maintenance and repairs of facilities is expected. Requiring SEA analysis for impacts to these trees alone will not be required. This exemption does not apply to native trees planted as required mitigation. Note that if the tree(s) being impacted is an oak species, the Oak Tree Ordinance may still apply depending on the size of the tree.

- M. Emergency removal of a SEA Protected Tree is exempt from this Ordinance if the reason for the removal is due to a hazardous or dangerous condition, such as trees damaged or destroyed by flood, fire, wind, drought, pests, or disease and posing a significant threat to people, structures, infrastructure, property, or other trees. A removal must be approved after a visual inspection by a Forester with the Fire Department in consultation with a County Biologist. There is no requirement for planting of new trees to mitigate for emergency tree removals; however, replanting with appropriate native trees is strongly encouraged.
- N. Tree maintenance that is needed to ensure the continued health²⁰ of a SEA Protected Tree is exempt from the Ordinance as long as the maintenance is performed in accordance with guidelines published by the National Arborist Association, and that the pruning:
 - 1. does not remove branches in excess of two-inch diameter, and
 - 2. does not remove more than 25% of the tree's overall canopy within a two year period.

There are no submittal requirements; however, pruning or trimming in excess of that allowed which leads to loss of the tree or a notable decline in tree health, as determined by a Forester with the Fire Department or the County Biologist, is a violation of the Ordinance and will require a Protected Tree Permit.

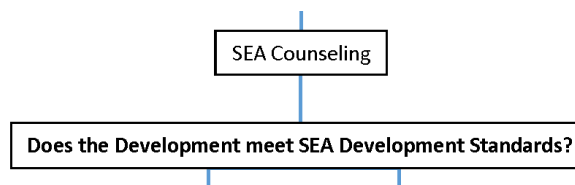
- O. Emergency or routine maintenance of existing public utility infrastructure that is necessary to protect or maintain essential components of an existing utility or transmission system is exempt.
- P. Trees that qualify as protected, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and that are, therefore, considered landscape features, may be planted, or removed or altered without an SEA or Protected Tree permit. Documentation of the planting must be provided, and may be in the form of invoices, photographs, an approved landscaping plan that clearly indicates the location and species of the new tree to be planted, or other reasonable means. Trees planted as mitigation do not qualify as introduced.

SEA COUNSELING

The purpose of SEA Counseling was previously discussed in Chapter 2. After confirming the applicability of the Ordinance and that no exemptions apply to the project, the applicant will submit, in-person to LDCC or online through EPIC-LA, the following required materials to schedule the SEA Counseling meeting:

²⁰ Additional Tree Pruning tips: see ISA Tree Pruning Guidelines: www.treesaregood.org/treeowner/pruningyourtrees, Arbor Day Foundation "Keys to Pruning": www.arborday.org/trees/tips/keys-to-pruning.cfm, and Los Angeles Tree Trimming Guidelines: losangelesaudubon.org/images/stories/pdf/TTGMay2011/ttg-may-2011-english-print-collate.pdf.

1. SEA Counseling Application
2. Biological Constraints Map
3. Conceptual Project Design



The project will be assigned to an appropriate Case Planner and County Biologist based on the information provided in the SEA Counseling Application. A SEA Counseling meeting between the applicant, Case Planner, and County Biologist will be scheduled. The SEA Counseling may be combined with a One-Stop appointment for some projects. Below is a flowchart providing step-by-step guidance on SEA Counseling application procedures, including application intake, routing to the appropriate planner, and applying for a land use permit.

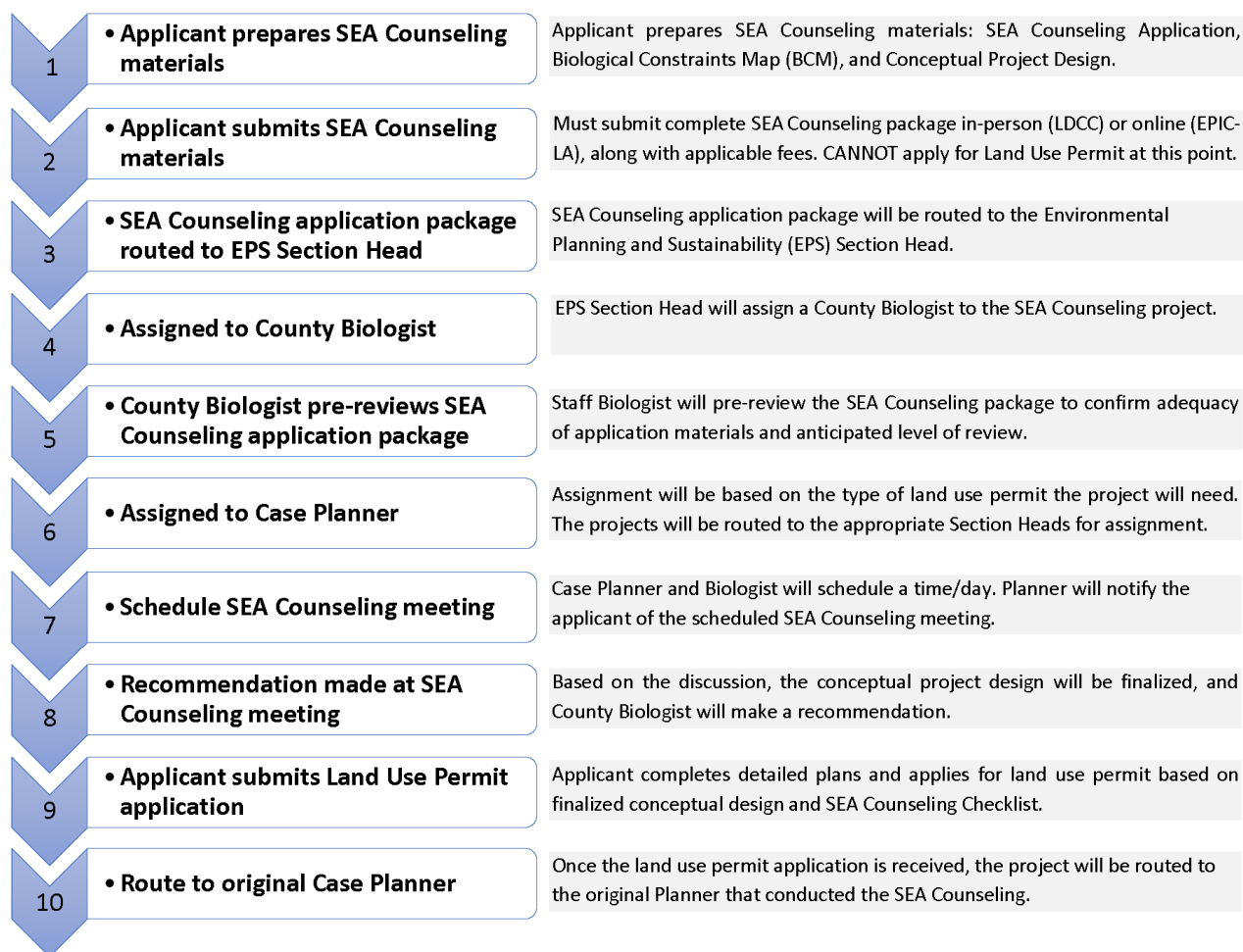


Figure 32. SEA Counseling Flowchart

1. SEA COUNSELING APPLICATION

For the SEA Counseling Application, the applicant will need to provide a sufficient project description. The information for the SEA Counseling Application should include, at minimum:

- ❖ Project name and address
- ❖ Assessor's Parcel Numbers (APNs)
- ❖ Size of parcel(s) – in acres
- ❖ Applicant name and contact information
- ❖ SEA name
- ❖ Consulting biologist name and contact information – Biologist must be on the SEATAC Certified Consultants List
- ❖ Date of Biological Survey
- ❖ Project Description – It is important that the applicant submit a detailed project description. The project description should include current and proposed uses. The more information we have about the project from the beginning, the better we can guide the applicant on how to design the project to minimize impacts to SEA Resources.

2. BIOLOGICAL CONSTRAINTS MAP (BCM)

See Chapter 6 for specific information regarding the preparation of the BCM and required content.

3. CONCEPTUAL PROJECT DESIGN

The Conceptual Project Design will allow the Case Planner and County Biologist to get an initial view of how the project may impact SEA Resources. The Conceptual Project Design can be shown directly on the BCM or separately as a Conceptual Site Plan. The Conceptual Project Design should depict the following:

- ❖ Graded areas
- ❖ Existing and proposed structure locations
- ❖ Fuel modification zone to 200-feet from all structures
- ❖ Utility access
- ❖ Driveways and parking areas
- ❖ Landscaped areas
- ❖ Exploratory testing locations

The purpose of the Conceptual Project Design is to guide project design to avoid or limit impact to SEA Resources. A Conceptual Project Design should not be as detailed as complete site plans for land use permit application submittal with engineering drawings. It should allow for flexibility and redesign based on the discussion at the SEA Counseling meeting.

SEA COUNSELING ANALYSIS

After ensuring that the SEA Counseling application is complete, the Case Planner and County Biologist will analyze the Project Description, BCM, and Conceptual Project Design using the SEA Counseling Checklist, found in Appendix D. The Case Planner and County Biologist will analyze the project during SEA Counseling to recommend a SEA assessment track: Ministerial SEA Review, Ministerial SEA Review with Protected Tree Permit, or SEA CUP. For a Ministerial SEA Review, the project will need a development footprint of no more than 20,000 square feet, meet all Development Standards in the SEA Ordinance, and provide adequate on-site natural open space preservation to compensate for impacts to SEA Resources. Projects that are unable to meet the requirements for a Ministerial SEA Review will be recommended for a SEA CUP, which is a discretionary review process.

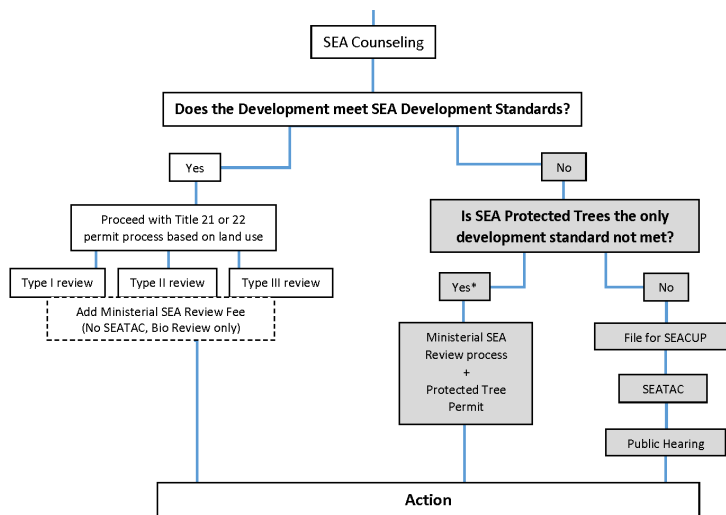
DEVELOPMENT STANDARDS

MINISTERIAL SEA REVIEW

PROCESSING MINISTERIAL SEA REVIEW

Projects recommended for Ministerial SEA Review at the conclusion of the SEA Counseling will apply for the appropriate

land use permit based on the proposed use. The Ministerial SEA Review will be charged as an additional fee that covers the County Biologist's review. There will not be a separate approval for the Ministerial SEA Review, unless the development does not require a use permit, in which case the Ministerial SEA Review will be processed as consist of a biological review and a site plan review.



The application materials required for Ministerial SEA Review are found in Section 22.106.060(B). They include a site plan²², a biological constraints map, and natural open space recordation documentation. To meet the natural open space recordation documentation requirement, the applicant should submit a draft version of the deed restriction or covenant with the application for Department review. After Staff has reviewed and agreed that the document and area to be preserved satisfy the requirements of the SEA Ordinance, the natural open space may be recorded. The final recordation documentation should be submitted to the Department in order to receive the stamped plans.

The County Biologist will make the following determinations:

- ❖ Project meets all relevant Development Standards, and
- ❖ the required amount of on-site preserved natural open space is provided.

The Ministerial SEA Review will be reviewed concurrently with the processing of the land use permit. The Ministerial SEA Review will be approved as part of the land use permit final approval.

MINISTERIAL SEA REVIEW ANALYSIS

When the Case Planner first receives the land use application package, the planner must confirm that the land use permit application site plan matches the conceptual project design reviewed at the SEA Counseling. Confer with the County Biologist if the project design submitted for the land use permit application is different from the original Conceptual Project Design. Substantial changes from the Conceptual Project Design previously vetted by the County Biologist may not meet Development Standards, thus changing the SEA assessment type.

²² Site plan should show all proposed development, including on-site and off-site ground disturbing activities and vegetation removal.

The Case Planner will refer to the SEA Counseling Checklist and attached conceptual project design to confirm the Ministerial SEA Review determination before processing the permit. The Ministerial SEA Review determination indicates that the project, the design that was reviewed during SEA Counseling, meets the Development Standards of the SEA Ordinance and is providing the required amount of preserved on-site natural open space.

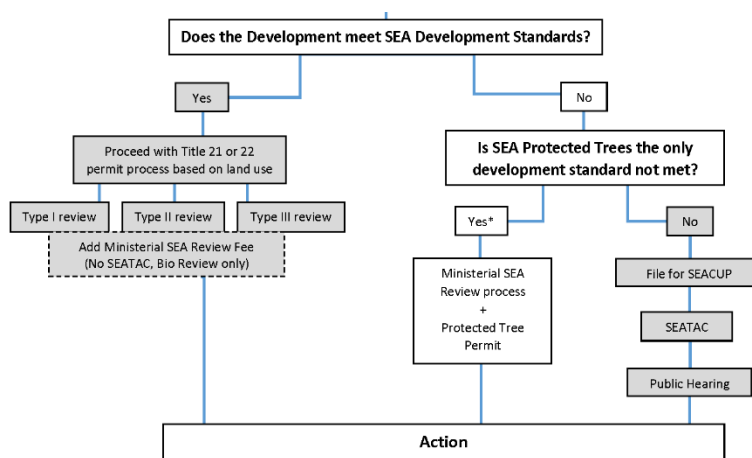
If the project requires a discretionary land use permit (i.e. a minor CUP or CUP) along with a Ministerial SEA Review, a statement of SEA Findings is not required. Meeting the Development Standards through a Ministerial SEA Review determination is the avenue of substantiating the SEA Findings, and the Staff Report for the land use permit should simply discuss how the project meets the SEA Ordinance Development Standards. Do not discuss the SEA Findings in the CUP Findings and Conditions as the Ministerial SEA Review is not a discretionary process.

MINISTERIAL SEA REVIEW AND CEQA

Projects should refer to the land use permit for CEQA determination. Ministerial land use permits have a statutory CEQA exemption that do not require further discussion. Discretionary land use permits may have CEQA determinations that range from Categorical Exemption to EIR. The Biological Resources section of the Initial Study should include a detailed discussion on how the project meets Development Standards established in the SEA Ordinance. See the Annotated Initial Study, Biological Resources section, for further instructions on SEA discussion.

MINISTERIAL SEA REVIEW WITH PROTECTED TREE PERMIT

If a development is able to meet all Development Standards except for impacts to SEA Protected Trees, it may be able to obtain a Protected Tree Permit and proceed with the Ministerial SEA Review. All PTPs will have a corresponding Ministerial SEA Review, since the Ministerial SEA Review process will determine that all other Development Standards are met and identify the need for a PTP. A PTP may be obtained for pruning of protected trees in excess of that allowed by Exemption N, encroachments of up to 30% of the TPZ for any number of protected trees, and/or removal of two (non-heritage size) protected trees, provided that such activity can meet the findings and burden of proof. Removal of more than two SEA Protected Trees or removal of any Heritage Tree requires a SEA CUP. See Chapter 3 for details regarding the PTP application process.

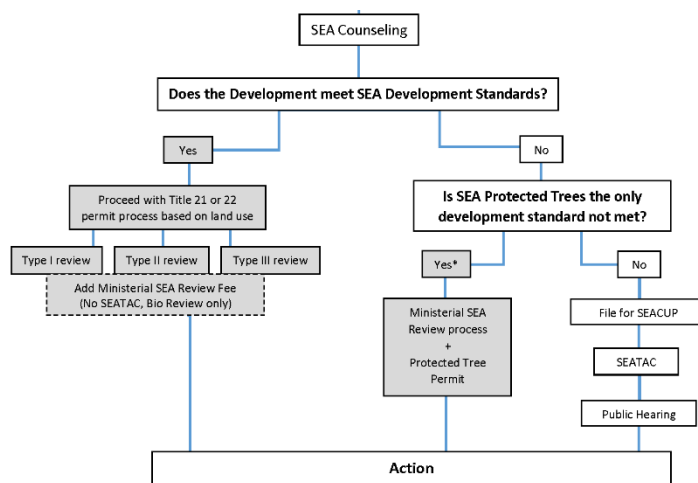


*Not applicable for all development. Refer to Chapter 3 for more information.

SEA CONDITIONAL USE PERMIT (SEA CUP)

PROCESSING A SEA CUP

Projects that do not qualify for a Ministerial SEA Review will need to file for a SEA CUP. The land use and SEA impacts will be reviewed under the same SEA CUP. The applicant will provide the application materials required for CUPs and additional materials for the SEA portion of the review (e.g. Biological Constraints Analysis, Biota Report, etc.), as determined by the County Biologist. The required fees will include SEA CUP fee, Biologist Site Visit fee, and SEATAC fee.



*Not applicable for all development. Refer to Chapter 3 for more information.

There may be situations where the land use is a by-right use but due to the amount of impact to the SEA Resources, the project will require a SEA CUP. In these cases, both the by-right use and SEA impacts will receive a discretionary review through a SEA CUP. Both CUP and SEA Burden of Proofs will be required.

SEA CUP ANALYSIS

The Case Planner will make sure that the SEA CUP application site plan matches the Conceptual Project Design that was reviewed at the SEA Counseling meeting. Changes from the Conceptual Project Design can change the SEA assessment type. The Case Planner will consult with the County Biologist to review the following:

- ❖ Adequacy of BCA and/or Biota Report
- ❖ Need for and adequacy of additional studies and reports (e.g. rare plant survey, jurisdictional waters delineations, oak tree reports, oak woodlands reports, protocol surveys)
- ❖ Adequacy of proposed mitigations
- ❖ On-site or off-site natural open space preservation (refer to Chapter 8)

SEA CUP AND CEQA

All SEA CUPs will need a CEQA analysis since the result will be a discretionary land use permit. The Biological Resources section of the Initial Study should include a detailed discussion of project impacts on SEA Resources. See the Annotated Initial Study, Biological Resources section, for further instructions on SEA discussion. Projects applying for a SEA CUP will also be required to submit a BCA and Biota Report, which will assist in completing the Biological Resources section of the Initial Study.

SEATAC REVIEW

SEATAC is an expert advisory committee that assists the Department in assessing a project's impacts on biological resources within SEAs. The scope of SEATAC purview consists of the following:

- ❖ Whether the proposed development is consistent with Section 22.102.060 (SEA Development Standards);

CASE PLANNER'S SEA CUP ANALYSIS

Here are some questions the Case Planner can ask while analyzing the project. The answers will be incorporated into the Staff Report for Public Hearing.

- ✓ What are the impacts to SEA Resources within the proposed development and adjacent to project site?
 - ✓ What are the cumulative losses to SEA Resources?
 - ✓ How well do proposed measures avoid, mitigate, or protect SEA Resources?
 - ✓ Is the project in compliance with SEA Findings?
 - ✓ Are there any recommended changes to the proposed project to be in compliance with Development Standards and SEA Findings?
 - ✓ Does the proposed project meet the relevant objectives and policies of the General Plan?
 - ✓ Are there any recommended conditions that will ensure the proposed project can meet SEA Findings and relevant General Plan objectives and policies?
 - ✓ What was SEATAC's determination of project compatibility? Does SEATAC have any applicable recommendations?
-
- ❖ Whether the appropriate natural open space mitigation ratios have been applied and the location of natural open space is appropriate;
 - ❖ Whether the proposed development avoids disturbance to wildlife corridors;
 - ❖ Whether the mitigation measures proposed for the project address impacts to SEA Resources;
 - ❖ The proposed development's ability to demonstrate compatibility with the SEA Program per Section 22.102.080 (Findings and Decisions).

See the SEATAC Procedures Manual for more information on scheduling a SEATAC agenda item, required documents, and meeting procedures. The goal is for the applicant to efficiently utilize the SEATAC meetings to meet the recommendations of SEATAC.

The Case Planner should complete the SEATAC review before consulting other County Departments on the permit process. The project may need redesign based on SEATAC recommendations and/or mitigation measures. Once the project clears SEATAC and other department consultations, the Case Planner will schedule a public hearing for the SEA CUP.

SEA ORDINANCE FINDINGS

Projects processed through ministerial review inherently meet the findings required by the SEA Ordinance since Development Standards and natural open space preservation must be met for a ministerial review designation. However, for a discretionary project to be approved, the decision-making body must be able to justify an action taken based on sufficient findings that meet the burden of proof.

BURDEN OF PROOF

Applicants applying for a SEA CUP are required to provide Burden of Proof statements that substantiate how the proposed project will meet each required finding. These statements may assert how the project meets the burden of proof through project design or mitigation measures. Applicants are encouraged to

work with their consulting biologist(s) to draft biologically defensible statements based on the actual site conditions and regional context.

Planners will use the Burden of Proof statements provided by the applicant as the basis for demonstrating how the project addresses each required finding. The Ordinance, the SEA Implementation Guide, the BCM, the BCA, and/or the Biota Report will also contain information that can be used to justify support for the project. The County Biologist is available for technical assistance.

The purpose of this section is to pose questions to guide applicants and Case Planners through the thought-process of creating adequate responses. These questions are provided as a starting point; they do not cover the full spectrum of circumstances that may need to be considered.

Development in the SEAs must demonstrate how the proposed development is designed to:

- A. *Be highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;*
 - ❖ What types of biotic resources are present and where can it be found?
 - ❖ How much undisturbed land will be set aside for mitigation?
 - ❖ What types of vegetation does the set aside land consist of?
 - ❖ Is the vegetation comparable to the type of vegetation being disturbed by the project?
 - ❖ What ecosystem functions are being provided by the areas being disturbed in comparison with the areas to be preserved?
 - ❖ What actions will provide for long-term maintenance of ecosystem functions?
 - ❖ Are there any edge effects from the project? (e.g. the introduction of Argentine ants, potential spread of invasive plants, increased predation on wildlife by domesticated animals, etc.)

- B. *Avoid or minimize impacts to the SEA Resources and wildlife movement through one or more of the following: avoiding habitat fragmentation, minimizing edge effects, or siting development in the least sensitive location;*
 - ❖ Has the project's development footprint been consolidated in the least biologically impactful location (or locations)?
 - ❖ Has the project open space resulted in the largest and most intact block of habitat with the lowest perimeter to area ratio?
 - ❖ Where are the areas with the highest biological value located on the project site?
 - ❖ Where is there potential for wildlife movement across the project site?
 - ❖ What actions will be taken to minimize impacts to areas of biological value?
 - ❖ What actions will be taken to minimize impacts to wildlife movement?
 - ❖ Does the project remove obstacles to wildlife movement or seek to restore natural habitat?
 - ❖ See Appendix E for additional guidance for evaluating impacts of development on wildlife movement in LA County.

- C. *Buffer important habitat areas from development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;*
 - ❖ Where are the critical resource areas located on the parcel?
 - ❖ Are there any vegetated areas or open space (can be disturbed, agricultural, or non-native vegetation) that act as buffers between the development and critical resource areas?
 - ❖ Does the buffer area act as foraging habitat or a wildlife corridor?
 - ❖ How much of the buffer area will the project retain?

- ❖ Are locally native plant species being utilized in the landscaping plan to act as a transition zone between the development and natural open space?
 - ❖ Are fences and walls used in such a way as to buffer and protect natural habitat areas from impacts of the development, or do they create obstacles for wildlife movement?
 - ❖ What design features, best management practices, and mitigation measures are being integrated to ensure the SEA Resources are adequately buffered from the development?
- D. *Maintain the ecological and hydrological functions of water bodies, watercourses, and their tributaries;*
- ❖ Are there water bodies, watercourses, or tributaries on the parcel?
 - ❖ Are they being retained in their natural state?
 - ❖ If not being retained entirely in their natural state, what design features are utilized to ensure continued ecological function, connectivity, and hydrological function of the water resources?
 - ❖ Will water resources be impacted by runoff from the development site or animal keeping facilities into the water resources? If so, what best management practices and design features are proposed to minimize impacts to water quality?
 - ❖ What actions will be taken to preserve the natural state of the water bodies?
- E. *Ensure that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas or migratory paths; and*
- ❖ Does the project propose new roads, access road, driveways, and utilities?
 - ❖ If yes, are the roads proposed within areas with Priority Biological Resources, habitat areas or migratory paths?
 - ❖ Are there any design features or mitigation measures to minimize the impacts of roads on critical resource areas (e.g. wildlife crossings)?
 - ❖ Does the road bisect or encroach on migratory pathways?
- F. *Promote the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency cannot be preserved when the proposed development may cause any of the following:*
- a. *Significant unmitigated loss of contiguity or connectivity of the SEA;*
 - b. *Significant unmitigated impact to a Priority Biological Resource;*
 - c. *Removal of habitat that is the only known location of a new or rediscovered species; or*
 - d. *Other factors as identified by SEATAC.*
- ❖ Does any part of the development footprint interrupt connectivity of the SEA?
 - ❖ Does the project remove Priority Biological Resource without adequately mitigating for their loss?
 - ❖ Does the project remove the only known location of a new or rediscovered species?
 - ❖ Was this project recommended for approval by SEATAC?
 - ❖ Did SEATAC identify additional factors that the project needs to address?
 - ❖ Could the project be redesigned to preserve SEA resiliency as defined in this Finding?

PURPOSE OF SEA ORDINANCE

Although it is important to draft Burden of Proof statements with supportive evidence at the project level, the intent of the SEA Ordinance should always be considered. A comprehensive look at the overall project design, impacts, and mitigation measures and how these elements interact with the existing health of the individual SEAs should be conducted during project analysis. Adding a macro level review at the stage of

producing the findings will help protect against the possibilities of fragmenting SEAs and threatening their viability.

22.102.010 Purpose.

This Chapter establishes regulations to conserve the unique biological and physical diversity of the natural communities found within Significant Ecological Areas (SEA) by requiring development to be designed to avoid and minimize impacts to SEA Resources. These requirements will help ensure the long-term survival of the SEAs and their connectivity to regional natural resources. This Chapter regulates development within SEAs by:

- A. **Protecting the biodiversity, unique resources, and geological formations** contained in SEAs from incompatible development, as specified in the Conservation and Natural Resource Element of the General Plan;
- B. Ensuring that projects **reduce the effects of habitat fragmentation and edge effects** by providing additional technical review of existing resources, potential impacts, and required mitigations;
- C. Ensuring that development within a SEA **conserves biological diversity, habitat quality, and connectivity to sustain species populations and their ecosystem functions into the future**; and
- D. Directing development to be designed in a manner, which **considers and avoids impacts** to SEA resources within the Los Angeles County region.

PUBLIC HEARING

The public hearing process for SEA CUPs will follow the procedures for public hearing in the zoning code. Although all discretionary land use permits go to public hearing, the level of impacts to SEA Resources will determine which decision-making body will hear the project.

SEA CUPs with minimal impacts to SEA Resources can go through a Hearing Officer public hearing. SEA CUPs with extensive impacts to SEA Resources will go through a RPC public hearing. This is due to the elevated level of review conducted and recommendations provided by SEATAC to the decision-making body.